RECEIVED FEDERAL ELECTION COMPLISSION

April 22, 2010

2010 APR 28 PH 4: 34

Thomasenia Duncan, Esquire General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463

MUR # 6282 OFFICE OF GENERAL COUNSEL

Re: John Lee Smith, John Lee Smith for U.S. Congress, Committee to Elect John Lee Smith 2010 and Friends of John Lee Smith

Dear Ms. Duncan:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against John Lee Smith ("Smith") and Committee to Elect John Lee Smith 2010, John Lee Smith for U.S. Congress and Friends of John Lee Smith (co. lectively, the "Committees") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and more specifically, for failing to register with the Commission as required by 11 CFR § 101.1(a) and 11 CFR § 102.1(a) and for violation of the disclaimer requirements for television communications authorized by candidates set forth in 11 CFR § 110.11(c)(3)(iii).

I. Facts

John Lee Smith is campaigning for election to the U.S. House of Representatives for Indiana's 8th Congressional District. Smith has a Facebook page entitled "John Lee Smith for U.S. Congress" Located at http://www.facebook.com/#!/pages/John-Lee-Smith-for-US-Congress/320315547978?ref=ts. See Attachment 1. On February 24, 2010, Smith posted an article on Facebook entitled, "Why I am Running for U.S. House of Representatives For the People in Indiana's 8th Congressional District." See Attachment 2. Additionally, according to a Facebook post on March 2, 2010, Smith announced the launching of his new website, located at www.johnleesmith2010.com ("the Website"). See Attachment 3. The Website contains the statement "Running for United States Congress Indiana's 8th District" under a photograph of Smith and his family. See Attachment 4. "The disclaimer on the Website reads "paid for by Committee to Elect John Lee Smith 2010." See Attachment 4. Neither John Lee Smith for U.S. Congress nor the Committee to Elect John Lee Smith has failed to file a FEC Form 2 Statement of Organization with the Commission. Similarly, Smith has failed to file a FEC Form 1 Statement of Candidacy with the FEC.

According to a March 19, 2010, Facebook post on the "John Lee Smith for U.S. Congress" Facebook page, Smith announced the March 20, 2010, release of his campaign's first commercial ("the Advertisement"), planned to air on both local and cable broadcasts. See Attachment 5. According to forms obtained from WFIE in Evansville, IN, and WTHI in Terre Haute, IN, \$10,695 in media time was booked for the

Advertisement. See Attachment 6. The text of the Advertisement is included herein as Attachment 7. The disclaimer at the end of the Advertisement states "paid for and approved by Friends of John Lee Smith." Friends of John Lee Smith has not filed an FEC Form 2 Statement of Organization with the Commission.

Smith for Congress, a campaign committee for John Lee Smith, a candidate for Indiana's 7th Congressional District, did file an FEC Form 3 Report of Receipts and Disbursements with the Commission in 1996. This committee was administratively terminated by the Commission on June 29, 2000. It is unknown if the candidate involved in this committee is the same John Lee Smith that is the subject of this Complaint.

II. Relevant Law

Registration and Reporting Requirements

An individual becomes a candidate and triggers registration and reporting responsibilities under the Act when campaign activity exceeds \$5,000 in either contributions or expenditures. 2 USC § 431(2). A candidate must file a Statement of Candidacy (FEC Form 2) within 15 days of becoming a candidate. 2 USC § 432(e)(1).

The regulations permit an individual who has not decided to run for office to raise funds to "test the waters" and explore the viability of becoming a candidate. 11 CFR § 100.72, 11 CFR § 100.131. An individual solely engaging in testing the waters activities does not have to register or report as a candidate, even if the individual raises or spends more than \$5,000 on these activities. Testing the waters activities include conducting a poll, making telephone calls and traveling, but only if undertaken to determine whether an individual should become a candidate. 11 CFR § 100.72, 11 CFR § 100.131.

However, once an individual engages in campaign activity, if he or she has raised or spent more than \$5,000, the individual must register as a candidate with the FEC. Campaign activities include raising funds in excess of what could reasonably be expected to be used for exploratory activities, undertaking activities designed to amass campaign funds that would be spent after he or she becomes a candidate, or making statements that refer to the individual as a candidate. 11 CFR § 100.72. In addition, if the name of an individual's testing the waters committee indicates that the candidate has already decided to run for congress, this is also considered campaign activity. See Advisory Opinion 1981-32.

Television Advertising Disclaimer Requirements

A public communication is defined, in part, as a "communication by means of any broadcast, cable or satellite communication...or any other form of general public political advertising." 11 CFR § 100.26. All public communications made by a political committee are required to include a disclaimer. 11 CFR §110.11(a). Radio and television commercials authorized by candidates are subject to specific disclaimer requirements not applicable to advertisements using other forms of media. 11 CFR §110.11(c)(3).

Advertisements authorized or paid for by a candidate or the authorized committee of a candidate transmitted by television or through any broadcast, cable, or satellite transmission must include both an oral statement that identifies the candidate and states that he or she has approved the communication, as well as a similar written statement, containing the same information, that appears in clearly readable writing at the end of the television communication. 11 CFR 110.11(c)(3)(ii), (iii).

Commission regulations provide two ways in which a candidate may make the required oral statement. It may be made "[t]hrough an unobscured, full-screen view of himself or herself making the statement." 11 CFR 110.11(c)(3)(ii)(A). Alternatively, it may be made "[t]hrough a voice-over by himself or herself, accompanied by a clearly identifiable photographic or similar image of the candidate. A photographic or similar image of the candidate shall be considered clearly identified if it is at least eighty (80) percent of the vertical screen height." 11 CFR 110.11(c)(3)(ii)(B).

III. Legal Analysis

Smith is actively campaigning for federal office and engaging in campaign activity. The Advertisement and the Website plainly advocate for Smith's election to Congress. The Website states that Smith is "Running for United States Congress" and the Advertisement makes use of a graphic stating "John Lee Smith for Congress 2010." Furthermore, Smith's Facebook page is entitled "John Lee Smith for U.S. Congress."

Smith has crossed the \$5,000 threshold for the Commission's registration and reporting requirements. Forms obtained from WFIE in Evansville, IN, and WTHI in Terre Haute, IN, show that \$10,695 in media time was booked for the Advertisement, well in excess of the \$5,000 registration and reporting threshold. Even so, neither Smith, nor any of the entities named in Smith's Advertisement, on Smith's Facebook page or on the Website have filed with the Commission.

Smith has failed to include the appropriate disclaimer on his Advertisement. The Advertisement certainly qualifies as a public communication. It aired on local and cable broadcasts in the 8th District of Indiana on March 20, 2010. The Advertisement indicates that the communication was paid for by Committee to Elect John Lee Smith 2010. Because the Committee to Elect John Lee Smith is a federal political committee engaging in federal campaign activity, the Advertisement must contain a disclaimer that complies with FEC regulations.

The Advertisement fails to comply with FEC regulations, which require the inclusion of a written statement identifying the candidate and stating that the candidate approved the communication, as well as an oral statement affirming the candidate's payment and approval. While the written statement says that "Friends of John Lee Smith" paid for the Advertisement, the written statement fails to indicate that John Lee Smith approved the communication.

The Advertisement also fails to make the required oral statement regarding Smith's payment and approval of the Advertisement. Though the regulations provide two ways for a candidate to convey the required information, neither of these methods were utilized in attempt to fulfill the FEC requirements. Instead, the Advertisement only included a full screen shot of Smith stating "I'm John Smith," with the announcer stating "Paid for and approved by Friends of John Lee Smith."

The written and oral disclaimers on the Advertisement fail to comply with FEC regulations. Smith and Friends of John Lee Smith should be cited for its failure to comply with applicable regulations.

IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, John Lee Smith, John Lee Smith for U.S. Congress, Committee to Elect John Lee Smith 2010 and Friends of John Lee Smith have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations as described herein. Accordingly, I respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

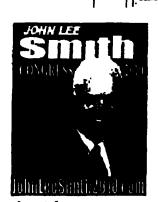
Respectfully submitted,

Steven L. Reeves

Princeton, IN 47670

Sworn to and subscribed before me this

My Commission Expires:



Stagest to Francis

John is running for congress because of its life experiences, conservative principals, and hit grasp of our fluential and consent, system in order to help sings the solutions that will restore America's financial foundation and her future.

Information

Country: **United States**

Currently Running For

Party:









See All

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No one has added for photos.

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John Lee Smith for US Congress Secome a Fen .

Wall Info Links Events Notes Discussions

Back July

Country: United States **Currently Running For**

United States Congress Office: District: Party:

Detailed Info

hitelitation are section and Male **Political Views:** Conservative Religious Views:

Activities: Please Visit My Website & Join Our Team to Change Washington! John Lee Smith, a resident of Venderburgh County has hed experience as an elected member of the Horrox County Council from 1990 until 1998, and served as president from 1996 until 1998.

He also perved as Regulatican Perty Chairmen, Monroe County, IN 1994-1996 and Morase County Precinct Committeemen, 1990-1998.

John is a financial advisor with Edward Jones Investments in Eventwille. He gold his experiences with cleans showed Nine government policies are adversely effecting femilies.

"The heartache in Weshington is financial, and we meed a specialle in financia," his said. "I'm definitely a conservative, and I have the training and the incovinings to slope the policies that will be required to got our country tests on sound financial floating."

Work Info

Employer: term her. Financial Address June 1995 - Present Time Period:

Education Info

Indiana University Brazilistich (4° Sen 1988 Flamma and Errote von College:

Contact Info

Johnsesmith2010@hotmeil.com 812-408-672S 812-589-2781

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DC 1-Day Deals

Home Profile Acceus



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Why I am Running for U.S. House of Representatives For The People in Indiana's 8th Congressional District Wednesday, February 24, 2010 at 6:20pm

I am a Grancial sublect with Edward James, a company that did not go out of business, and did not take a single diese in federal taskot numey, or any other moray from our government. I help included investors plan for retirement, maintain their lifestyte, and leep their taxes down.

The reason that I decided to enter this mos, in addition to venting is serve the people in this heartfand state of our great nation was conceived in my mind as I began to study the problems an Washington, and how these problems affected my clients - individuals just like you and me.

As I started researching the Americal problems facing America, I found myself locking into the tool sheds of American History - the tool sheds of Alexander Hamilton, Andrew Jackson, Altraham Lincoln, to name a few, to study how they solved the problems of their day.

When I looked into these different periods of American History, a picture began to error how shrilps our problems are to theirs. These tools have been in the ted shad so long, people have longotten how to use them.

That is why I decided to run for Congress. I am the financial specialist that is uniquely ready to go to work and help coeff the legislation that will help all Americans. Hy education, profession, expurience and Tile repearch have prepared me to offer solutions that will put our country back on solid financial ground. Hothing Suncy, Robbing new. Just solutions that work.

In 1992 I get to meet and speed time with my reuters day political here Freedom Reagen at his Flor Flora office in Contymis. Here I was, a young men, decussing politics with "The Great Communicates"!

He was a very personable yet hamble men who had receively changed our country and the while for the better, beyt as sells and set standards of property for fature generators. We discussed streamfring and ways to make government mans efficient, and some of his polices that worked then, and that I believe will work today.

One policy President Reagon discussed with me veys The Grace Commission. He directed those serving on this commission to be half and work the strakes blood-wards, not having any stone unbursed in their search to rect out inefficiency in government. For two years, 161 corposite executives and community leaders had an army of 2,000 volunteers on a wester hant throughout the federal government. Funded writingly by voluntary contributions of \$76 william from the private sector, the search cost bequeyers, replace. The Genes Communion Report was presented to Compass in Jameny 1844. The Report claimed that if its returnmentations were followed, 9CSI follows could be several to three years, rising to \$1.0 brillion per year by the year 2008. It estimated that the realized dark with these returns in place would rise to only \$2.5 trition, but with the Compass voting "No" to the reforms, the dott actually resched \$5.6 brillion in 20001

The Report said that one-third of all income tames are consumed by weets and indicatory in the fraction Government, and another each third excepts collection due to that undergoard excepts, "With two-thirds of everyone's personal income tames weeted or not collected, 200 packing of what is collected to absorbed solely by interest, on the Federal disk and by Federal Government contributions to transfer payments. In other words, all individual income has revenues are gone before own rictual is sport on the services which temporar sepact from their Government."

Congress etcl NOT act on the recommendations.

I believe sbengly in the proven conservative principles held by Rosald Resgns that are distinctly American, these of less government, less terms, less weeks, a strong military and a conveniences to traditional minal values.

Hany will remember President Heages as the "Great Communicator". But the President himself easi on numerous extendess that he wasn't a great communicator, he just communicated great trings. Those were the treational American values of this extraordresy leader, And, as the President easi, "they come from the heart of a great restor."

These ideals were simple and distinctly American. President America beliand that fundaming a limited government. Result Respon politically said "government is not the telegrap to our problem, government is the problem."

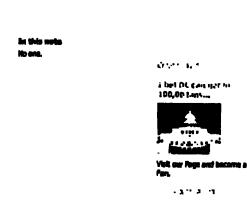
Renald Resigns was a despity replact men who believed in the American people and had an unababite Civeties field. It was his value, his vision and his despit half value that course me to become a Republican. President Rengen sold at the and of his Freedom; "He hak America more prosperate, mine securi, and happier thin it was eight your solder."

As the grantees of German/English invelopments, the see of a Havel Plot and Ridgel Teacher, a husband in any wonderful bride of manify 22 years who is a Social Warber in the Exemption actual systems, and a proof fother of those deligibiled decigities and as 2-12 antell group leader and Charch Stiter for shoots 20 years. I had my values and the true importance of our national many freedomy, very close to my heart. A vote for me is a vote to give America teach to be meants.

But I can not do it alone. Today I'm asking you to show your support for our light by doing enceything you can be sign up your falends and built can generate team so we can built change the way liberals are storing Washington. Please inser I am hundred by the support and encouragement, so many of you have shown me alongly.

Today we are experiencing the featest expension of government and vest extens of volume as super referenced in America before. We need need change that fictures on making deciding based on which is best for our terror and its ottopes, Lat's work tegether to bring back respectability and accountability in our highest offices. Lat's stand tegether and light for not explained, making to our matter's burganning problems, stand with one for our children's sales, and the figure generalises not yet born.

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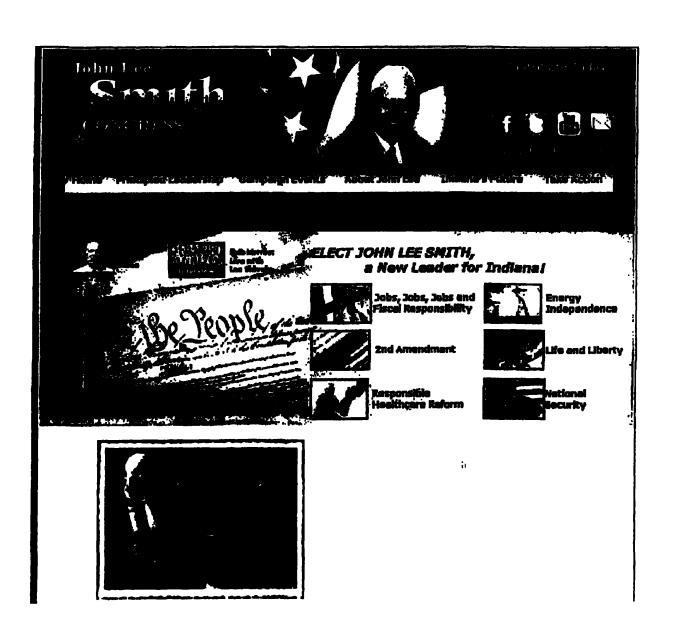
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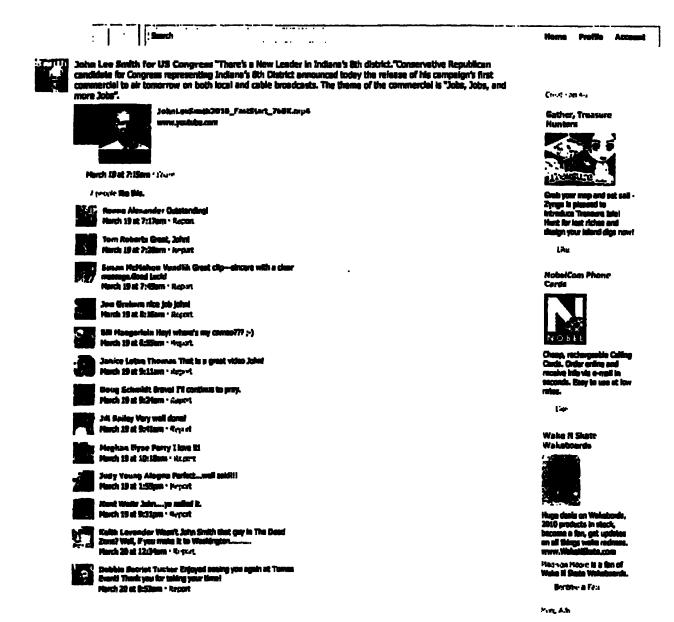
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Facebook @ 2018 Evenn (US)

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Client: John i	Lee	Smith
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Product:

Campaign: March - May 2010

Station Order

Oswald Communications 4101 N. St. Joseph Avenue Evansville, IN 47720 812-426-0335

Rev #.; 0 Flight From: 03/16/2010 to 05/09/2010

Estimate No.: Contract No.: Job Na.:

Buyer Name: Pamela Balley Sweeps: Share Nov 2009 -> HUT/PUT May 09

Merket: EVANSVILLE

Station: WFIE Station Contact: Linds Lender 334.956.0374

Acig. Order No.: 929 WS Order No.: 2864 Contract No.:

Neme	Days/	DP/ Len	Program Title/ Commi Tag	Station Gross Rate/ Total	Mar	Mar 22	Mar 29	Apr 05	Total <u>Spota</u>	DMA P 25-64 (R)
1	NTWTF 08:00A-07:00A	EM 30	14NMS-SUNRISE	\$160.00 \$1,440.00	•	3	3	3	9	4.9 \$32.65
2	8 07:00A-08:00A	EM 30	SUNDAY TODAY	\$80.00	•	1	•	•	1	2.5 \$24.00
3	MTWTF 06:00P-06:30P	EN 30	14 NEWS AT 6	\$400.00 \$3.800.00		3	3 	3		7.8 \$51.28
				\$5,100.00	•	7	6	6	19	

38.1 40.6 38.1

Monthly Totals

				Station Gross
Month	Spots	GRP/GRts		CPPICPM
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	19	116.8	\$5,100.00	\$43.66

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Station Remarks:
Any schedule/program/time changes must be approved in writing by buyer or will be credited.

A makegood form will be provided to use for any proposed changes.

Please sign and fex back with a copy of your station order.

Rep:_____Dete:____

Please note: We will pre-pay all schedules on a weekly basis.

. John Lee Smith Jud: ampaign: March - May 2010

Station Order

Oswald Communications 4101 N. St. Joseph Avenue Evansville, IN 47720 812-426-0335

Rev #.: 0 Flight From: 03/16/2010 to 05/09/2010

Estimate No.: Contract No.: Buyer Name: Pamela Bailey Sweeps: Share Nov 2009 -> HUT/PUT May 09

Job No.:

Market: TERRE HAUTE

Actg. Order No.: 930 WS Order No.: 2865

Contract No.:

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Station; WTHI

Station Contact; Todd Weber 512.232.5953

hemi	Daya/ Tirma	DP/ Len	Program Title/ Commi Tep	Station Gross Rate/ Total	Mar	Mar 22	Mer _29_	Apr 05	Total Spots	DMA P 25-64 (R)	Po
1	MTWTF- 06:00A-07:00A	EM 30	NEWS 10 WTH	\$130.00 \$780.00		2	2	2	6	6.6 \$19.70	3
2	MTWTF 07:00A-09:00A	EM 30	CBS EARLY SHOW	\$85.00 \$855.00		3	3	3	9	5.6 \$16.96	3
3	5 09:00A-10:30A	EM 30	SUNDAY MRN-CBS	\$120.00 \$360.00	•	1	1	1	3	4.3 \$27.91	3
4	MTWTF 05:00P-06:30P	30 30	NEWS 10 WTH	00.003\$ 00.000.E2			2 	2	6	10.8 \$55.56	3
				\$5,595.00	•	8	8	8	24		

Monthly Totals

Month		P/GRIs	Station Gross Dollars	
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	24	167 7	\$5 595.00	\$33.36

Comments

Station Remarks:
Any schedule/program/time changes must be approved in writing by buyer or will be credited.

A mekegood form will be provided to use for any proposed changes.

Please sign and fax back with a copy of your station order.

Rep: / well

Please note: We will pre-pay all schedules on a weekly busis.

Committee to Elect John Lee Smith 2010

Advertisement Script

ANNOUNCER: I'm John Lee Smith. While we're all concerned with the rising cost of health care, what we need are jobs, jobs, and more jobs right here in Indiana. Like former President Ronald Reagan, I believe that government is not the solution to our problem, government is the problem. I stand for less government, lower taxes, and a strong commitment to traditional moral values. With your help and support on Tuesday, May 4th, I will stand strong for you and your family in Washington and make all of us proud to be an American. Paid for and approved by friends of John Lee Smith.

JOHN LEE SMITH: I'm John Lee Smith.

ANNOUNCER: Paid for and approved by friends of John Lee Smith.

Written Disclaimer: Paid for and Approved by Friends of John Lee Smith.